

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

IN RE:

GEA SEASIDE INVESTMENT, INC.  
Debtor.

CASE NO.: 3:18-bk-00800-JAF

/

**NOTICE OF APPELLANTS' CONSOLIDATED STATEMENT OF ISSUES  
AND DESIGNATION OF RECORD**

**COME NOW** Creditor/Tenants, ("TENANTS"), Ann Elise and David Treder, Iris Oswald, Tammy Cruz, Barbara Burnes, Mary and Paul Savard, Brian Pooler, Reba Anderson and Renee Coffey, by and through undersigned counsel, pursuant to Federal Bankruptcy Rule of Procedure 8009 and hereby notify the Court of Appellants' Consolidated Statement of Issues and Designation of Record:

**A. Statement of Issues – Order Re: Motion for Reconsideration, Clarification and  
Amendment of Confirmation Order Dated 7/21/2020**

1. Whether the claims, to which Debtor failed to object or rebut pre-confirmation, were provided for in the plans of reorganization pursuant to 11 U.S.C. s. 1328
2. Whether the claims, to which Debtor failed to object pre-confirmation, constitute property of the bankruptcy estate or an asset of Debtor
3. Whether the Court erred in entering an order re-classifying Tenants' valid claims, to which Debtor failed to object or rebut pre-confirmation, as generally unsecured when such claims were not specified in the plans of reorganization served upon impacted creditors
4. Whether the Court erred by construing the ambiguities in Debtor's plans of reorganization in favor of Debtor rather than Tenants without hearing
5. Whether the claims, to which Debtor failed to object pre-confirmation, constitute priority claims under 11 U.S.C. s. 507(a)

6. Whether Tenants' security deposits, if converted to Debtor's operations in violation of Florida law, constitute defalcation while acting in a fiduciary capacity sufficient to warrant amendment of the confirmation order or, alternatively, constitute perjury by Debtor in its reported schedules for which Debtor should remain liable to Tenants

**B. Statement of Issues – Order Sustaining Debtor's Objections to Tenants' Claims**

1. Whether the claims, to which Debtor objected post confirmation, constitute property of the bankruptcy estate
2. Whether the claims, to which Debtor objected post confirmation, constitute priority claims under 11 U.S.C. s. 507(a)
3. Whether Debtor's post confirmation objections to Tenants' claims constitute an adversarial proceeding and Tenants are entitled an evidentiary hearing and determination on the merits of all claims advanced or, alternatively, a lifting of the stay to pursue same in state court
4. Whether Debtor's rejection of Tenants' leases entitles it to retention of security deposits for which no set off is available under Florida law or, alternatively, without notice and hearing on the merits

**C. Designation of Record:**

<u>Date Entered</u>	<u>Docket No.</u>	<u>Description</u>
02/08/2021	1350	Notice to Appellant of Responsibilities
02/08/2021	1349	Notice to Appellant of Responsibilities
02/05/2021	1348	Appeal Cover Sheet
02/05/2021	1347	Notice of Appeal – Objection Claims (Multiple Tenants)
02/05/2021	1346	Appeal Cover Sheet
02/05/2021	1345	Notice of Appeal – Motion Reconsider
01/22/2021	1341	Order Sustaining Objection to Claim(s) Multiple Tenants – (Related Doc # 1284, 1285, 1286, 1287, 1288, 1289)
01/22/2021	1340	Order Denying Motion to Reconsider/Clarify/Amend Confirmation Order
10/07/2020	1332	Supplemental Response to Debtor's Opposition to Motion to Reconsider - Doc 1326, Doc 1296
09/24/2020	1327	Hearing Memo: Priority Creditor's Motion to Reconsider/Clarify/Amend
09/23/2020	1326	GEA Opposition Response to Creditors' Motion to Reconsider and Reply to Creditors' Responses to Claim Objections
08/31/2020	1314	Notice of Prel Hearing on Objection to Claim 58, Cruz

08/31/2020 1313 Notice of Prel Hearing on Objection to Claim 56, Treder  
 08/31/2020 1312 Notice of Prel Hearing on Objection to Claim 57, Oswald.  
 08/31/2020 1311 Notice of Prel Hearing on Objection to Claim 69, Burnes  
 08/31/2020 1310 Notice of Prel Hearing on Objection to Claim 67, Pooler et. al.  
 08/31/2020 1309 Notice of Prel Hearing on Objection to Claim 64, Savard.  
 08/31/2020 1308 Notice Rescheduling Hearing on Priority Creditor's Motion to Reconsider/Clarify/Amend Confirmation Order  
 08/28/2020 Preliminary Hearing. Re: Objection to Claim 58 of Tammy Cruz  
 08/24/2020 1305 Response to Objection to Claim 67 and Motion to Determine w/ Memo  
 08/24/2020 1304 Response to Objection to Claim 64 and Motion to Determine w/ Memo  
 08/24/2020 1303 Response to Objection to Claim 58 and Motion to Determine w/ Memo  
 08/24/2020 1302 Response to Objection to Claim 57 and Motion to Determine w/Memo  
 08/24/2020 1301 Response to Objection to Claim 69 and Motion to Determine w/Memo  
 08/24/2020 1300 Response to Objection to Claim 56 and Motion to Determine w/Memo  
 08/20/2020 1298 Notice of Preliminary Hearing on Reconsideration Confirmation Order  
     7/21/2020 re: Ann Elise Treder (related document(s)1288, 1289, 1286,  
     1284, 1285, 1296, 1287, 1290, 1291).  
 08/19/2020 Preliminary Hearing 09/16/2020 11:00 AM Jacksonville, FL Re: Motion for Reconsideration /Determination Claim Status Doc 1296  
 08/18/2020 1296 Motion to Reconsider/Clarify/Amend Confirmation Order Dated July 21, 2020 Allowing Payment of Priority Claims w/ Incorporated Motion to Determine Priority Claims Non dischargeable  
 07/24/2020 1291 Objection to Claim 71 of Pamela Hunt.  
 07/24/2020 1290 Objection to Claim 70 of Tiffany & Steve Butler.  
 07/24/2020 1289 Objection to Claim 69 of Barbara Burnes.  
 07/24/2020 1288 Objection to Claim 67 of Pooler, Coffey & Anderson.  
 07/24/2020 1287 Objection to Claim 64 of Mary & Paul Savard.  
 07/24/2020 1286 Objection to Claim 58 of Tammy Cruz.  
 07/24/2020 1285 Objection to Claim 57 of Iris Oswald.  
 07/24/2020 1284 Objection to Claim 56 of Ann Elise & David Treder.  
 07/22/2020 1283 Proof of Service re: Order Confirming Plan dated July 20, 2020  
 07/21/2020 1282 Order Confirming Chapter 11 Plan  
 06/23/2020 1252 Hearing Proceeding Memo: Hearing Held - RESCHEDULED  
     CONFIRMATION HEARING – Transcript Requested  
 06/23/2020 1250 Annotated Exhibit List of Debtor  
 06/22/2020 1249 Proposed Exhibits ranging from 1 to 4.  
 06/22/2020 1248 Amended Confirmation Affidavit of Debtor GEA  
 06/19/2020 1247 Amended Ballot Tabulation  
 06/01/2020 1216 Addendum to Schedule E/F, incl. addition/deletion of creditors  
 05/22/2020 1181 Amendment to Schedule E/F, incl. addition/deletion of creditors

05/19/2020	1157	Fourth Amended Chapter 11 Plan of Reorganization (Amended as to Classes 11, 22, 24, 61-62, 72, 74-81 and amended to add Classes 95-105)
04/16/2020	1056	Third Amended Chapter 11 Plan of Reorganization (Amended as to Classes 1, 2, 3, 5, 9, 10, 12, 25, 54-55, 57-59, 65-66, 69, 72-81 and add Classes 86-94). (related document(s)255, 951, 581).
03/05/2020	1024	Notice Rescheduling Confirmation Hearing for 6/23/2020
03/04/2020	1023	Hearing Memo: RESCHEDULED TO JUNE 23 @ 10:00
01/23/2020	958	Amended Schedule A/B,D, incl. addition/ deletion of creditors
01/16/2020	951	Second Amended Chapter 11 Plan of Reorganization
01/16/2020	950	Motion to Approve Compromise of Controversy. City of Daytona Beach.
10/29/2019	797	Hearing Memo: RESCH CONFIRMATION HEARING MARCH 4 @ 10
10/28/2019	792	Proposed Exhibits ranging from 1 to 3. Debtor's Confirmation Exhibits
10/28/2019	779	Confirmation Affidavit
10/24/2019	772	Ballot Tabulation
10/04/2019	581	Amended Chapter 11 Plan of Reorganization .
09/25/2019	574	Amended Summary Of Schedules/Amended Schedule B
07/15/2019	522	Notice Rescheduling Hearing on Confirmation 10/29/2019 at 11:00am
06/28/2019	518	Motion to Reschedule Hearing On Confirmation July 1 2019 at 11:30am
03/25/2019	442	Order Granting Motion To Reschedule Hearing re Confirmation
03/19/2019	412	Motion to Reschedule Hearing On Confirmation
02/28/2019	378	Order Granting Motion to Determine Lien Null and Void - 507 Phoenix Ave, Daytona Beach, FL
01/29/2019	342	Hearing Memo: Motion For Contempt CONSOLIDATED w/Adv Proc 18-53, Joint Stipulation Dismissal filed in AP 18-53
01/29/2019	341	Notice Withdraw Mot For Contempt For Violation Automatic Stay
01/14/2019	325	Order Approving Disclosure Statement and Setting Hearing on Confirmation and Fixing Time for (related doc(s)256, 255, 322). Hearing scheduled for 3/25/2019 at 11:30
11/23/2018	282	Order Lifting Stay, Volusia Court, Hunt, Case No. 2018-33401-COCl
0/30/2018	265	Hearing Memo: Motion For Contempt Violation of the Automatic Stay
10/22/2018	256	Disclosure Statement
10/22/2018	255	Chapter 11 Plan of Reorganization .
10/02/2018	207	Motion to Determine Lien Null/Void 507 Phoenix Ave, Daytona Beach
09/26/2018	200	Motion for Clarification of Order Confirming No Automatic Stay in Effect
07/11/2018	107	Objection to Motion Contempt for Violation Stay w/ Memo
06/29/2018	99	Order Granting Motion to Confirm Absence of Stay
06/21/2018	93	Motion For Contempt for Violation of the Automatic Stay
06/14/2018	89	Response to Motion for Order Confirming No Automatic Stay
06/06/2018	80	Motion for an Order Confirming No Automatic Stay is in Effect

05/02/2018		Complaint by GEA Seaside Investments, Inc. against Deborah Hallisky, Jimmy Davis, AnnElise Treder, David Treder. 3:18-ap-00053-JAF.
04/09/2018	37	Debtors Schedules A/B, D, E/F, G, H, St Fin Affairs/Atty, Sum Assets

Proofs of Claim Registry:

07/09/2018	Claim #56	Ann Elise/David Treder, Amount claimed: \$0.00
07/09/2018	Amended Claim #56	Ann Elise/David Treder, Amount: \$3245.00, w/o setoff
07/09/2018	Claim #57	Iris Oswald, Amount claimed: \$0.00
07/09/2018	Amended Claim #57	Iris Oswald, Amount claimed: \$7000.00, w/o setoff
07/09/2018	Claim #58	Tammy Cruz, Amount claimed: \$0.00
07/09/2018	Amended Claim #58	Tammy Cruz, Amount claimed: \$825.00 w/o setoff
07/09/2018	Claim #64	Mary and Paul Savard, Amount claimed: \$825.00
07/09/2018	Claim #67	Pooler, Coffey, Anderson, Amount \$2170.00 w/o setoff
07/09/2018	Claim #69	Barbara Burnes, Amount claimed: \$725.00 , w/o setoff

Respectfully submitted this 19<sup>th</sup> day of February, 2021.

***HALLISKY DAVIS & ASSOC. PLLC***

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Tammy Cruz  
Mary & Paul Savard  
Barbara Burnes  
B. Pooler, R. Coffey & R. Anderson

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing Statement of Issues and Designation of Record was served on February 19, 2021 by CM/ECF electronic filing to all registered users in this action and by US Mail to the non-registered user or users listed in creditor's matrix associated with this proceeding and to the Debtor and those identified at the addresses below.

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